

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	2.3.01
PROCEDURES MANUAL		ISSUE DATE	August 18, 2000
SUBJECT	Permanent Program - Revision Applications	Section	Technical/Permitting
		Last Revised	3-12-97

OBJECTIVE AND INTENT:

To ensure enforcement and permitting personnel review and act upon revision applications in a timely efficient manner and in accordance with regulatory requirements.

PROCEDURES:

The Field or Review Inspector should inform the permittee that an application for a revision to the approved permit must be filed:

- due to changes in operational plans.
- as required by a Revision Order Notice (**DMLR-ENF-194S**) issued per 4 VAC 25-130-774.11(b).
- for insignificant boundary change - Any extensions to the area covered by the permit, except for insignificant boundary revisions, shall be made by application for a new permit.

During the course of the routine inspection, if the approved plan is thought to be deficient or unworkable, the Field Inspector may initiate action to require a revision in accordance with 4 VAC 25-130-774.11(b) and Procedure #2.3.05.

The permittee may submit an application for revision of the approved plans to the Division at any time.

The Field Inspector shall inform the permittee that a permit revision application must:

- be submitted under form (**DMLR-PT-034e**), signed by a person listed as a company official or designated by "power of attorney" to represent the permittee.
- contain all plans, data, and statements to support the revision request.
- be reviewed and initialed by the Field Inspector prior to being submitted to the Division's Big Stone Gap or Keen Mountain office.
- be filed with and approved by the Division prior to the permittee taking action to initiate the revision.

Significant versus Insignificant Revisions:

The Field Inspector must determine whether the revision constitutes an insignificant or significant departure from the approved plans.

The revision application must include the information required by 4 VAC 25-130-774.13(b) and comply with 4 VAC 25-130-773.13 (Public Notice/Public Participation) if the proposed revision constitutes a significant departure from the current mining or reclamation plan, such as, but not limited to, a change in the:

- approved mining method,
- hydrologic balance outside of the permit area,
- postmining land use, or

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- major structural design of a sedimentation pond, coal waste pile, coal processing waste disposal facility, dam, impoundment or embankment.

An insignificant departure includes any minor permit change that does not have a significant impact upon the environment. A revision with this classification may require public participation (publication of public notice for 2 weeks).

An insignificant departure may be approved by the Inspector provided it is non-technical in nature and will not significantly affect other parts of the plan.

The Inspector shall determine whether the “insignificant” revision can be field approved. The Inspector should discuss questions or concerns about the revision with the Field Supervisor. Questions that cannot be resolved by the Field Supervisor shall be referred to the Reclamation Services Manager or technical management personnel.

NOTE: The permittee’s designation of the revision as “insignificant” does not require the Inspector to automatically approve the revision as insignificant. It only alerts the permittee and permit section that the four week public notice period for “significant” revisions may not be required.

To determine whether a boundary change is “insignificant” (4 VAC 25-130-774.13(d)), the Inspector must consider the criteria used to determine if the revision constitutes an insignificant or significant departure.

Field Approvable Revisions: the Field Inspector shall:

- complete the “Application Checklist & Routing Slip” (**DMLR-PT-008**) form.
- document in the “comments” section the basis for field approval or disapproval. (If approving, list any conditions or limitations upon such approval, if applicable. If disapproving, explain the reason(s) for such action.)
- check the approval field on the last page of **DMLR-PT-008**, if appropriate, then date and sign the form.
- give the original copy to the permittee or operator. (The permittee should submit two copies to Big Stone Gap or Keen Mountain office for distribution and filing).

If the revision application cannot be field approved (requires technical or managerial review), the Field Inspector shall document on the **DMLR-PT-008** form:

- comments relevant to field conditions, indicating whether approval of the revision application is advisable. Also explain whether any adverse impacts or situations could occur if the approval is granted.
- the Inspector’s recommendation, based upon professional judgment, as to whether the revision should be approved or disapproved.
- on the last page of the form, indicate that the application is ready for review; sign and date the form; and instruct the permittee or operator to send two copies to the Big Stone Gap or Keen Mountain office.

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Whether or not the revision application is field approvable, the Field Inspector must make clear and factual comments about:

1. the relevant site conditions,
2. the purpose of the revision,
3. the effect of the revision upon the rest of the operation,
4. whether the revision meets the requirement of 4 VAC 25-130-774.13(c), and
5. the impact on any enforcement action that may still be pending.